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RICHMOND, VA., SATURDAY, FEBRUARY 12, 1910.

THE WEATHER TO-DAY—SNOW.

PRICE TWO CENTS.

Council Adopts Annexation Ordinance by Vote of 22 to 11

DEFENSE BEGINS IN YODER TRIAL

Pamphlet Editor Tells
How Atkinson Back-
ed Reform Mission.

LOANED HIM \$400
TO CARRY ON WORK

The Rev. Tilden Scherer Admits
That He Is Now Printing De-
fendant's Weekly Paper.
Manning Plainly Reveals
Board's Policy of Segre-
gating Crime.

With frank acknowledgment from Police Commissioner Manning that certain reports are permitted to exist in Richmond and a full and spirited explanation of the reasons which dictated the Police Commission's policy of segregation, denial from him, Justice Crutchfield and Cassell F. Fitzgerald that there was a conversation between the Police Justice and Commissioners Manning and Gordon on the day of the trial of Sophie Malloy, and a reiteration of the charges by Adon A. Yoder and the reading of his creed and his purpose in coming to Richmond, after borrowing \$400 from J. M. Atkinson, the trial of Yoder on a charge of criminally libeling Police Commissioners Manning and Gordon and Justice Crutchfield reached its most interesting stage yesterday in the Hustings Court.

Mr. Scherer, now printer, Yoder's most intimate friend and constant companion, apparently, in Richmond, also took a prominent part in the giving of evidence, stating on the witness stand that he did some effective sleuthing in discovering the nature of a certain house on Nineteenth Street and acknowledging, on cross-examination, that he is now engaged in printing Yoder's weekly pamphlet. He is also the editor of a young people's paper for the Presbyterian denomination. He is not now in charge of any church, his only pastoral charge having been the Hope Memorial Church, on Nineteenth Street.

The prosecution contented itself with the three witnesses mentioned, while the defense entered into an exhaustive inquiry as to the conditions which prompted segregation of certain reports, as to the truthfulness of Yoder's charges, as to the character and reputation of Sophie Malloy's house and the house on Nineteenth Street.

The prosecution brought out the statement that Sophie Malloy had not been arrested and tried on a charge similar to that which caused the arrest of Maggie Lee (colored), as stated by Yoder, and that the police had several times caused people complaining against her to move from the house on Nineteenth Street. Two of the witnesses summoned by the defense—C. J. Alms and W. H. Walton—made better witnesses for the prosecution, Alms saying that he had not and never would give Yoder any information, and Walton saying that he also would not tell Yoder any.

Manning, Police Commissioner, resumed the stand, and further alleged defamatory articles written by Yoder were read to the jury. The first stated that the Board of Police Commissioners is itself violating the law in that the commissioners ride free on that the street cars and that immunity is granted to the street car company for the privilege. The City Attorney has rendered an opinion on the matter, which is that the commissioners are not violating the law in accepting passes from the street car company.

The article went on to say that the city has a "rotten" Police Board, and that the Council should appoint another. The pamphlet could furnish all the evidence, the article said. Another written statement, referred to as "The New York Times," said that it sounds so much like Richmond that one would think that the writer had Richmond in mind. Still another, under the caption, "Graft in Granting Liquor Licenses," said that thousands of dollars were paid to Attorney Smith and Councilman Pollock for their influence in securing the licenses, and that it was a "frivolous state of affairs." The court was also attacked by innuendo. There was more objection from Mr. Meredith at the reading of some of the articles, but the court ruled that all evidence which attacks the authorities who took part in the revocation of Atkinson's license could be admitted.

"What connection has Wirt Taylor with the court?" asked Yoder again, in reference to the Puchnellin saloon. In another article, which refers to the alleged failure of the police to move a certain house on Nineteenth Street until a year after the complaint, he wanted to know if there is "much money." "There seems to be some money," which protects criminals," he went on, and there were numerous other quotations from alleged libels.

Police of Police Board.
Mr. Manning was asked as to the location of the house on Nineteenth Street which the Rev. Tilden Scherer had complained about. The witness replied that it was half a square, across the street, from the church.
"Is that in the segregated district?" inquired Mr. Meredith.
"What do you mean?"
"I mean the district recognized by the Police Department." Then, making himself comfortable, Mr. Manning proceeded to explain the policy of the board in the segregation of objectionable resorts. Mr. Meredith objected.
The court ruled that while the Police Board has no right to violate the law, yet, he thought, in view of the

POLE DISCOVERER IS REFUSED TITLE

House Committee Votes
Against Making Peary
Rear-Admiral.

SECRETARY MYER
ALSO PROTESTS

Hale Bill in Senate and Allen
Measure Both Rejected by
Unanimous Vote—May Con-
sider Giving the Arctic
Explorer a
Medal.

Washington, D. C., February 11.—Antagonism to the Hale and Allen bills, which propose to give the rank of rear-admiral to "Commander" Robert E. Peary and retire him on full pay, was shown by a subcommittee of the House Committee on Naval Affairs, when the six members of that subcommittee to-day voted unanimously against bestowing that honor upon Peary.

"Commander" Peary's naval record was given to the committee in a letter from Secretary of the Navy Meyer, in which was contained the information that he should be designated as "Civil Engineer," and not "Commander." The secretary spoke of "Commander" Peary's discovery of the pole as a "self-imposed but most commendable task." He said that Peary's various exploring expeditions cannot be regarded as having been conducted for a strictly military or naval purpose, and for this reason it seems inappropriate to confer upon him the title of "Commander," which is a title for which his previous education, training and service have not fitted him.

While the members of the committee might look with some favor to giving Peary a medal, it is said, they expressed themselves as wholly against any plan of "pensioning" him, with increased pay. Speaking of the matter to-day, Representative Roberts, of Massachusetts, a member of the committee, said that Peary had been absent from duty in the Navy Department most of the time he has been connected with it and has done nothing to entitle him to this honor.

"So, as we were able to see," said Chairman Roberts, immediately after the meeting, "there was nothing in the records of Mr. Peary so far as service to the navy or to the country was concerned which made him worthy to receive from Congress an annual salary of \$5,000 a year for the balance of his natural life."

"It is absurd to propose that a civilian—for that is just what Mr. Peary is—should be made a senior admiral of the line when he is not even a naval constructor, but a civil engineer in the navy."

"While a laudable feat, Mr. Peary reached the North Pole, not in the performance of any duty imposed upon him, but as the Secretary of the Navy says, by carrying out a self-imposed task."

Absence from Duty.
"During his service as a civil engineer in the navy, beginning in 1881, Mr. Peary has been absent on leave a total of thirteen years and one month, and during the last three years he has received the full pay of the rank of commander in the navy, which is more than the government has ever done for any other explorer in a naval way."

"If the friends of Mr. Peary wish the government to recognize his service I think it would be proper to ask Congress to vote him a gold medal. Under this legislation which is now proposed he would get more pay than Rear-Admiral Rodney D. Evans and other admirals of the line."

Mr. Peary endured hardships and privation to reach the pole, but so did others. Why not make Malloy a rear-admiral, as the navy is a reward for his service? I think the proposed

(Continued on Fifth Page.)

The passengers of the Chanzy were

COMMITTEE FAVORS BYRD PRIMARY BILL

Deal's Method of Se-
lecting Judges Made
Part of Measure.

FLETCHER BILL
PASSED IN SENATE

Long Powwow Ended at Last.
Interstate Trains May Run on
Sunday—House Disposes of
Many Local and Uncon-
tested Meas-
ures.

With the main idea of the Deal bill incorporated as an amendment, the Byrd measure legalizing and regulating primary elections in Virginia was reported favorably yesterday from the House Committee on Privileges and Elections. At the same time the bills offered by Messrs. Deal and West and by the subcommittee of the Democratic State Committee, were returned to the House with a recommendation that they do not pass.

In this decision Speaker Byrd won a signal victory, and he naturally regards it as a commitment to the extended and laborious work which he put on the preparation of the bill. For weeks he studied the primary laws of other States and their practical results, and his measure was the result of what he found to be the latest thought on the subject. Immediately after the publication of his bill in The Times-Dispatch, it was praised or criticized from every corner of the State. As a result of general disapproval, the speaker eliminated the feature of the bill, which required all the principal political parties to participate in the election.

Amendments Made.
In making elections legal Mr. Byrd had provided that the regular officers of election should serve as officers of primaries. A change became necessary when he amended his bill, as it would not be proper to have a Republican judge, for instance, officiating in a primary in which the Democrats alone were participating. To set this right the committee adopted the provision of the bill offered by Mr. Deal, requiring that the electoral boards of the counties and cities select the primary election officers from a list of persons, by the majority of the executive committee of the party for which the election is to be held.

Another rather important amendment refers to the qualification of voters in such elections. Those voting, as in the Byrd bill, must have voted at the preceding election for the party candidate for presidential electors, Congressmen or Governor. In addition, a person may be permitted to vote if, when questioned by the judges, he shall pledge himself to support the nominees of the party in the ensuing election.

This latter provision is likely to arouse a good deal of opposition in both houses, since under it, as translated, a Republican in a hopelessly Democratic district might freely participate in Democratic primaries, knowing that there will be no candidate of his own party.

Fletcher Bill Passed.
The Fletcher tax commission has at last passed the Senate and goes to the House. It was found impossible to secure the requisite number of votes to pass the bill with the emergency clause in it, so that feature was eliminated. Only the Republican members registered their names in opposition, the division being strictly on party lines.

The upper body devoted most of its day to another tax matter—the substitute proposed by the Finance Committee for the King tax commission bill. No decision was reached. Senator Hol-

(Continued on Third Page.)

WILLARD CABLES HIS RESIGNATION

Commissioner Tells Gov-
ernor He Can't Serve
Rest of Term.

COLLED TO PARIS
TO SEE FAMILY

Governor Mann, Taken by Sur-
prise, Declares That He Can-
not Say Who Will Succeed
Him—Swanson, Gordon,
Wingfield and Aiken
Mentioned for Place.

Colonel Joseph E. Willard cabled yesterday from Paris to Governor Mann his resignation as a member of the State Corporation Commission, to take effect at once. The Governor has not accepted it and would not enter into any discussion as to who would be named for the unexpired term.

In a private telegram Colonel Willard gave as his reason for his resignation the ill health of Mrs. Willard. The resignation came as a complete surprise to State officials. Commissioners Willard left Richmond quite hastily about two weeks ago, alarmed by reports of flood conditions in France and the fact that his family was at the time in Paris. He reached Paris last Saturday and cabled friends in Richmond announcing their safety.

Governor Mann said yesterday that even since Colonel Willard left the city, and without his knowledge, he had received a number of letters inquiring him for reappointment when his term expires in 1912.

Colonel Willard, after serving one term as Lieutenant Governor of the State and making an unsuccessful campaign for the governorship, was appointed to the Corporation Commission by Governor Montague shortly before that official went out of office. His term expired February 1, 1912.

Governor Mann surprised the cablegram is a complete surprise to me," said Governor Mann yesterday. "I cannot say as yet what I shall do in regard to it. I will not even say as yet that I will accept it. I will take the matter up as soon as possible, however, and after conferring with Colonel Willard's friends, will notify him by cable of my action. It is possible that he may be induced to withdraw his resignation and serve his term out. In case that cannot be arranged I shall take up as soon as possible the question of appointing his successor. I have only just received the cablegram, and haven't as yet given the matter a thought, and, of course, cannot mention any names at this time. With the Legislature in session and the excessive demands made on my time, and the constant interruptions, I have not been able as yet to even canvass the situation and consider a possible appointment. If it becomes necessary, however, to make an appointment, I shall endeavor to act in time to have it confirmed by the present Senate."

While answering in a most friendly way questions regarding Colonel Willard's resignation and as to his successor, the Governor was disposed to regret the necessity for making the matter public at this time, and, indeed, expressed some surprise when a reporter for The Times-Dispatch called on him for confirmation of the fact of the cablegram.

"I wish you had given me a few days to think it over," he said, with a smile. "Now I shall be besieged with letters and telegrams and callers urging the appointment of all sorts of people, and really my time is already taken up. Like Mr. Roosevelt, I have 'my policies' to put into effect, and it takes time to confer with members of the Legis-

(Continued on Eighth Page.)

There had been an obvious difficulty in procuring men of proper character and ability to serve the United States abroad, said Mr. Harrison.

Gives Some Examples.
"The French mission was vacant for months until a man of proper caliber could be found," he said. "Take Austria, where a man (R. C. Korens) has been sent to represent the United States after having his fitness for the position measured chiefly by the size of his campaign contribution. Take the English mission."

After that position had been declined publicly by a noted educator (Dr. Eliot) it has been offered by a New York newspaper to Paul Morton, and if Mr. Morton is appointed that act will be to reward a self-confessed violator of law, and it will become patent to all the world that the path of the rebater is to lead to the foot of the throne."

This difficulty in finding good men for foreign missions, Mr. Harrison said, was the result of the destruction of diplomacy by the ocean cable. "To-day the ambassadors are too often messengers," he said. "Take Austria, where a man (R. C. Korens) has been sent to represent the United States after having his fitness for the position measured chiefly by the size of his campaign contribution. Take the English mission."

RESTORED TO DUTY
Sentences of Auld and Robnett Mitigated by Assistant Secretary Winthrop.
Washington, D. C., February 11.—Assistant Secretary Winthrop, of the Navy Department, has passed upon the cases of Paymaster George P. Auld, United States Navy, and Past Assistant Surgeon Aubrey H. Robnett, who were charged at a ball recently given in Boston by a naval officer with conduct unbecoming officers and gentlemen in assaulting Dr. Cowles, a civilian. In the case of Auld the loss of numbers adjudged by the court is remitted and he is ordered released from arrest and restored to duty. The findings of the court and sentence, however, are sustained.

Quits Corporation Commission



JOSEPH E. WILLARD.

KNOX'S DIPLOMACY PROVING FAILURE

Mistakes of Secretary Are Hotly
Critiqued by Representa-
tive Harrison.

"BOLD STROKES" FALL FLAT

He Points to Difficulty in Find-
ing Good Men for Foreign
Missions.

Washington, D. C., February 11.—Secretary of State Knox was subjected to some very caustic criticism in the House to-day by Representative Francis Burton Harrison, of New York, during consideration of the diplomatic and consular appropriation bill.

Many bold strokes in diplomacy, said Mr. Harrison, were only justified by their success, as in the instance of President Cleveland's Venezuelan message. But that had not been the case with some of the bold strokes of diplomacy brought forth by Secretary Knox, he said. The Nicaraguan imbroglio, the Manchurian Railway matter and Secretary Knox's declaration that he would find it his duty to see that democratic forms of government should be maintained in Central America, he said, were examples of failure in the diplomacy of Secretary Knox.

"This position was so untenable," he added, referring to the maintenance of democratic governments in Central America, "that some day we will be obliged to retire from it with mortification."

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OYSTERMEN VOTE TO CHANGE LINES

Many Converts Secured for
Straightening of Baylor
Survey.

HEARINGS NOT CONCLUDED

Dr. Moore and Commissioner
Lee Make Strong Argu-
ments.

Some Oyster Facts

"When I came to Richmond to-day, representing the Norfolk oystermen, I was dead opposed to the new survey. Since I have seen Mr. Lee's map and know what he proposes to do, I think the best thing to be done is to straighten the lines."

"The majority of the gentlemen in the James River don't want any law; they don't want to see any buoys," Mr. Lee.

"They say, 'Don't break the Baylor Survey.' How can you break anything that does not exist?" Mr. Lee.

"Not once were we thrown out by the new lines which the longer is to-day privileged to work on," Mr. Lee.

With seventy-five or 100 of the oystermen who came to this city from Tidewater yesterday already converted to the proposition to straighten the lines of the Baylor Survey, the Commission of Fisheries met last night, at the conclusion of the hearings before the legislative committee, that the battle was half won. This remarkable change of sentiment, developed in a meeting of the oystermen, including planters, packers and tongs, in the Assembly room of Murphy's Hotel. They gathered there to make up their minds what to do. Their doubt was not what they believed, for they were to a man opposed to any change in the course of the survey. After hearing the statements of Fish Commissioner W. McDonald Lee and of Dr. H. F. Moore, of the United States Fish Commission, they adopted the following resolution by a practically unanimous vote:

"We hereby, in mass meeting assembled, cordially endorse the proposed straightening of the Baylor line in the James River, as proposed by the Commission of Fisheries."

Colonel W. H. Sergeant, a member of the Governor's staff, acted as chairman of the meeting, and S. S. Keeling was secretary. A committee, composed of W. C. Ahearn, James T. Garvey and T. Conklin, was appointed to present the resolutions to the legislative committee.

Strong Opposition.
Not all the oyster people, however, were won over. A large contingent remained opposed to any change, and its cause was to some extent presented. However, the hearings were not concluded, and will be resumed next Wednesday. Senator Holt said last night that he would have a good deal of argument to present against the Wickham-Byrd bill.

(Continued on Third Page.)

LOWER BRANCH FIRST DEFEATS

PLAN TO MAKE
PEOPLE VOTE

Opponents, Led by Pol-
lock, Fight Hard, but
Fail to Crush Measure
by Amending It.

EXPECT BOARD
TO CONCUR ON
TUESDAY NEXT

Majority, in Favor of Consolida-
tion, Brought Issue Squarely
Before the Body, Insisting That
It Must Accept or Reject Ordinance as It Stood—Members
Declared That They Wanted
Union, but Held That Terms
Were Too Liberal—Umlauf
Severe on Mass-Meeting at Y.
M. C. A., Called by Property
Owners.

How the Vote Stood

AYES: Messrs. Barber, Billee, Buford, Burke, Cutchins, Davis, Don Levy, Fuller, Green, Hobson, Huber, Lynch, Mills, Pollard, Ratcliffe, Reade, Richardson, Rogers, Selph, Tucker, Umlauf and Wise—22.
NOES: Messrs. Watkins, Boachen, Ferguson, Garber, Gentry, Hirschberg, Mitchell, Pollock, J. C. Powers, John T. Powers, Richards—12.
Absent: Messrs. Peters and Wiltshire—2.

By a recorded vote of 22 to 11 the Common Council last night adopted the ordinance providing for the consolidation of Richmond and Manchester without amendment, after one of the most vigorous debates heard in the chamber in years.

The opposition, led by Gilbert K. Pollock, fought vigorously to the last, interposing many objections as to the financial obligations to be assumed and the burden to be placed on Richmond, playing as its final card an amendment to submit the whole question to a vote of the people, which was rejected by a vote of 14 to 10.

The announcement of the final vote was met by prolonged applause, as was the concluding paragraph of the speech by Chairman H. R. Pollard, Jr., of the consolidation committee, who led the fight on the floor for the adoption of the paper, and whose arguments were clear and convincing.

Urged Passage by Wirt.
President Peters, called West on business, telegraphed to Mr. Pollard shortly before the meeting, saying he hoped earnestly that the ordinance would be adopted, and suggesting that if there were any danger of its defeat an adjournment be secured until Monday night, when he could be present.

The consolidation forces, however, were confident of victory from the start, and the opponents fought a game though losing fight, there being no reason to think that the long debate of more than four hours had changed any man's vote. The ordinance will go to the Board of Aldermen Tuesday night for concurrence.

Chairman L. R. Brown and Councilman Jones, of the Manchester committee on consolidation, with City Attorney Goodyen, of Manchester, and a large number of people from both cities were present. Resolutions from the board of directors of the Chamber of Commerce earnestly petitioning the passage of the ordinance as recommended, and from the Branch-Bowe-Caskie mass meeting, asking that the question be submitted to a popular vote, were read.

Effect of Amendments.
When the ordinance was called from the table Mr. Mills made the usual motion that it be considered serialim, but the opponents held that it would consume unnecessary time, as it had been printed and distributed, and as Mr. Pollock said: "If the members are not familiar with it now they never will be," and the proposition to have the voluminous paper read was withdrawn. Mr. Davis asked what effect amendments would have, and was told that they would have a most dangerous effect, and that while it lay within the province of the Council to amend the paper, yet such amendments would have to be agreed upon by Manchester, and that such a course would probably kill the whole ordinance.

With Mr. Mills in the chair, Vice-President Pollard took the floor in support of the work of his committee, an outline of his remarks being given below. With a prepared paper as an outline, he contended that the proposed union would not entail on Richmond at the outside figure a greater expen-